

SCHLEY WILL PROCEED  
AGAINST HIS TRADUCERSWill First Ask for Naval Court to Inquire Into  
Matters Concerning Battle of Santiago.Then He Will Bring Civil Action Against Historian Maclay,  
Who Denounced Him as a Coward and Liar.

WASHINGTON, July 23.—The Washington Post last night telegraphed Admiral Schley that in an editorial it insisted that he owed it to himself, as well as to his friends, to begin proceedings against Mr. Maclay, the author of the "History of the United States Navy," to disprove the latter's charge, adding: "Will you do this? Please wire statement." Today it received the following telegram:

"Great Neck, L. I., July 23.

"Editor Washington Post—I believe the first step should be investigation of all matter by a naval court, then a civil action afterward. I am preparing to take this course."

"W. S. SCHLEY."

The Post in the morning, as a result of extensive inquiries, based upon the admiral's dispatch, will say, in part: "An investigation at the hands of a naval court of inquiry, and then to sue Historian Maclay for libel. His action is the sequel of the developments during the past week, when the entire country has been stirred by the publication of the unexampled abuse poured out upon him in the third volume of E. S. Maclay's 'History of the United States Navy,' in which publication Schley is said to have run away, 'in calistiff flight,' and is, in addition, denounced as a coward, a cur and a traitor."

The Schley court of inquiry will undoubtedly be one of the most celebrated cases in the naval or military history of the country. The high rank of the officers involved in the controversy and the intense public feeling which has been aroused will combine to give the investigation a dramatic interest. Nothing has occurred in Washington for many years that will compare with it.

"The appointment of the court of inquiry is expected to be made by Secretary Long, though it would be the prerogative of the president to make its selection if he chose. This is hardly likely to occur, however."

## LONG WILL SELECT BOARD.

"Admiral Schley's letter asking for the appointment of the court will be addressed to Secretary Long, who is his immediate chief. To address the communication to the president, ignoring Secretary Long, would not only be a breach of naval etiquette, but would be totally at variance with Schley's careful observance of punctilious procedure. The court, therefore, will be named by Secretary Long, unless he shall prefer to refer the matter to the president."

Mr. Long has already stated that if Admiral Schley requested a court of inquiry he would grant the request, and has also expressed his willingness to personally select the court. While he has not made any statement as to its personnel, there is every reason to believe that he favors Admiral Dewey and Rear Admiral Ramsey and Benjamin, the two latter being now upon the retired list. The name of Admiral Walker has been suggested, but it is known that he has expressed views upon the Sampson-Schley controversy in antagonism to Schley, and his appointment would therefore be seriously questioned. It is said that Dewey, Ramsey and Benjamin have always carefully avoided giving an opinion as to the merits of the controversy. All these officers are residents of Washington, although temporarily out of the city to escape the summer heat, and could be quickly summoned to take their places around the table of the court.

Three names are mentioned, because that number is specified in the regulations for courts of inquiry. There is a possibility that Admiral Dewey might ask to be excused as he might have a right to do, but it is also morally certain that in this event he would be specifically detailed by the secretary for service on the board. This would make his attendance imperative. Secretary Long has, from the moment that a court of inquiry was suggested, favored the appointment of Admiral Dewey, believing that his appointment would give the highest character to the court, and that any decision that it might reach would be accepted by the American people."

## MATTER TO BE INQUIRED INTO.

With respect to the matters to be inquired into by the court of inquiry, the Post will say that it might be difficult to state briefly the exact questions which will come before the court, but Admiral Schley's letter to the subjects in a letter written to Senator Hale, chairman of the senate committee on naval affairs, Feb. 18, 1898. This letter divided the criticisms of himself into four heads, as follows:

First—The alleged delay of Cienfuegos, Cuba.

Second—The alleged slow progress toward Santiago de Cuba from Cienfuegos.

Third—The retrograde movements on the 26th and 27th of May. (This refers to the turning of the fleet from Santiago toward Key West.)

Fourth—The battle of Santiago, and the destruction of Cervera's fleet.

Admiral Schley says the Post, that Admiral Schley in his letter to the secretary requesting a court of inquiry, will specify these grounds of criticism, and that Secretary Long will, in turn, repeat them in his orders assembling the court.

## WHERE THE OFFICERS ARE.

Admiral Sampson, who will, next to Admiral Schley, be the principal figure at the inquiry, is stationed at the Boston navy yard. Of the captains at Cienfuegos, Captain Cook of the Brooklyn is at Annapolis, Captain Clark of the Oregon is at League Island, Captain Chadwick of Admiral Sampson's flagship, the New York, is at Newport; Captain, now rear admiral, Taylor of the Indiana is at the Brooklyn navy yard; Captain, now rear admiral, Evans is detailed as member of the inspection and survey board in this city; Captain Higginson of the Massachusetts is commander of the North Atlantic squadron, Lieutenant Commander Wainwright of the Gloucester is at the naval academy at Annapolis, Lieutenant Sharp of the Vixen is executive officer of the Hartford, which is now on the coast of Sweden; Captain Philip of the Texas is dead.

A court of inquiry differs from a court martial in that it has no power to inflict sentence, but its purpose is to investigate and report upon the facts of the case, but it has authority to make the inquiry complete and exhaustive. The naval regulations say courts of inquiry "shall have power to receive evidence, administer oaths and punish contempt in the same manner as court martial; but they shall only state facts and shall not give their opinion unless expressly required to do so in the order for convening."

An important officer of the court will be the judge advocate and recorder, who is designated by the secretary. Secretary Long will undoubtedly take unusual care in the selection of this officer, who will be chosen from the list of captains who participated with Dewey in the Manila battle. Under the naval regulations, Admiral Schley will be allowed the attendance of counsel, who will have the right to suggest questions to the judge advocate. It is not known whether Admiral Sampson will ask the privilege of being also represented by counsel.

The sessions of court undoubtedly will be open, although its members have the right to prevent this. There is no appeal from the decision of the court as to the exclusion or admission of testimony, questions arising as to relevancy or propriety of which are invariably decided behind closed doors.

ADMIRAL WRITES TO SECRETARY  
LONG DEMANDING INVESTIGATION

NEW YORK, July 23.—The Herald will say tomorrow: Rear Admiral Winfield Scott Schley has asked Secretary Long to appoint a court of inquiry to determine the facts in regard to his course in the Santiago campaign. The admiral drove from Elm Point to the Great Neck, L. I., postoffice yesterday afternoon, and a few minutes before 3 o'clock mailed a letter which was addressed to John D. Long, secretary of the navy, Washington.

Though the admiral would not talk of this letter, the nature of its contents was known to others in Great Neck, and there is a doubt that Secretary Long when he opens it today will find in it a request for a formal and official inquiry. When Admiral Schley was pressed to make some statement of his position, he wrote the following letter:

"I really think that as this matter is liable to take the form of a judicial investigation, I ought not to be asked to make a statement. I think it is preferable to words, and I have decided to act. More than this, I ought not to be expected to say, but will add that it is a very great pity that there should be any controversy over matters where everybody did his best."

NOTORIOUS BENDER FAMILY THOUGHT  
TO HAVE BEEN LOCATED IN COLORADO

Topeka, Kan., July 23.—Four persons, said to be members of the notorious Bender family, accused of committing a score of murders at their home near Galena, Kan., over fifteen years ago, have been located near Fort Collins, Colo., and Governor Stanley has issued requisition papers on the governor of Colorado for their return to this state. The first steps toward bringing the suspects to Kansas were taken upon the representations of Frank Ayers of Fort Collins, who asserts that one of his wife, Kate Bender, was once his wife. Governor Stanley issued the requisition upon affidavits of four men who went to Colorado to identify the suspects.

The Benders committed a series of the most atrocious crimes ever recorded. They lived on a small farm near Galena, and for years, as it developed after their flight, they had lured travelers and buried their bodies in the yard around their home, or under the house. All four members of the family were accused of aiding in the murders. The family consisted of man, wife, daughter and son. The parents would now be in the seventies, and the children about 50 years of age.



Utah's Early Settler Feels Just as Young as He Used to Be.

LOOKS LIKE SALT LAKE MINING CONGRESS OPENS  
WILL GET THE ELKS. AT BOISE, IDAHO.Every State West of the Mississippi River Favors Speeches Made by Prominent Men, Among  
the Utah City. Them Two From Salt Lake.

(Special to The Herald.)  
Milwaukee, Wis., July 23.—When the Elks' convention meets tomorrow to select the next place of meeting, it is believed by those on the inside that the honor will be given to Salt Lake City, Utah. The city has been fighting each other for the gathering and in their strife have failed to take account of the strength of the order in the far west. On the other hand, the western Elks have been so busy with the San Francisco and Salt Lake delegations, each of which wanted the convention to be held in its own city, that they have not been able to take account of the strength of the order in the far west.

Salt Lake now has the delegations from practically every state west of the Mississippi river, and though the order is young in this district, western Elks have practically overcome eastern conservatism. Wisconsin came out definitely today in favor of the next convention for Salt Lake and hundreds of badges, in the shape of express tags, labeled "Why me to Salt Lake," are being worn, a large number having been sent by Salt Lake contingent to the California headquarters and messengers in the employ of the Elks are now on their way to the headquarters. If the east gets the next convention, it will be by some Elks not anticipated tonight.

## SALT LAKE HAS HARD FIGHT.

## Strong Efforts Made to Take Grand Lodge Meeting to Eastern City.

Milwaukee, July 23.—The grand lodge of the Benevolent and Protective Order of Elks completed the first day's session last night, having elected officers as follows:

Grand exalted ruler—Charles E. Pickett, Waterloo, Ia.

Grand esteemed leading knight—A. G. Field, Columbus, Mo.

Grand esteemed loyal knight—William B. Brock, Lexington, Ky.

Grand esteemed lecturer—Judge A. H. Pickens, Denver, Colo.

Grand secretary—George A. Reynolds, Saginaw, Mich.

Grand treasurer—F. C. Orris, Meadville, Pa.

Grand trustee (three years)—Henry W. Meers, Baltimore.

Grand trustee—Joseph Hennings—Anderson, Ind.

Aside from the election of officers, the business of the first evening session consisted of the presentation and

reading of the reports and the transaction of other routine business.

The special order of business for tomorrow morning will be the selection of the next place of meeting. Salt Lake has been named as a candidate against Baltimore and Saratoga Springs, but it is said tonight that an eastern city will likely get the honor, and St. Louis and the south are quietly paving the way to bring the 1903 convention to the Missouri city during the exposition. The feature of the social side of the big gathering was the first big outdoor event, the magnificent parade of military and civic orders, which passed through the principal streets this afternoon. The parade was witnessed by many thousands of people, and this was followed by the dedication of an Elks' fountain in Juneau park. Trains and steamers brought the last of the thousands of delegates, and it is estimated that 50,000 strangers are in the city.

## FULL OF CONFIDENCE.

Salt Lazers at Milwaukee Believe They Will Win Out.

Exalted Ruler Lester Freed of the B. P. O. E. wired Captain Stoll from Milwaukee yesterday in these words: "Old Salt Lake will win. I would now Captain Stoll is banking his opinion that the Salt Lake delegation has some assurances upon its sleeve which will bring the national grand lodge of 1902 to this city."

The local committee is keeping the wires hot between here and Milwaukee, by the brewery in the interest of its campaign. Upon hearing that San Francisco had a large sum pledged to the Elks, the Milwaukee committee took a query whether or not it would be necessary for Salt Lake to guarantee its fund. If so, he said, it would not take the committee long to secure the pledge from the business men of Salt Lake. No answer to this query was received. It will require about \$20,000 to entertain the Elks.

Acting Governor Hammond's letter inviting the grand lodge to Salt Lake has been sent on, and by tonight it is expected similar messages will be sent over the wires over the signatures of Governor Wells and Mayor Thompson.

Boise, Ida., July 23.—The fourth annual session of the International Mining congress convened at the Columbia theatre at 10 o'clock this morning. The meeting was opened with an address of welcome by Governor Hunt. He was followed by Mayor Alexander, who tendered the keys of the city to the visitors.

Then Judge J. H. Richards welcomed the congress on behalf of the citizens, delivering an ornate address that attracted much attention. Responses were made by E. L. Shaffer of Cleveland, O.; Professor W. H. Tibbals of Salt Lake, and Tom Ewing of Los Angeles.

President L. Bradford Prince of New Mexico then delivered his annual address. He reviewed the previous sessions and spoke of the work to be done. Mr. Prince stated the principal object of the congress was to secure the establishment of a department of mines. He said it was necessary and that the great industry ought to have such recognition in order that its development might go forward at a pace that would keep abreast of development along other lines. There were many problems confronting the industry, he said, that could not be solved satisfactorily without the direct aid that could be given through a government department of mines.

## Endorse St. Louis Fair.

Delegate C. J. Moore of Colorado offered the following, which was referred to the committee on resolutions: "Resolved, That the International Mining congress, assembled at Boise, Idaho, extends to the president and directors of the Louisiana purchase exposition its fraternal greeting, and promise for it an active and continued interest and support."

"We also urge upon the legislatures of the several states such a generous financial recognition of the coming exposition as shall contribute materially to its already assured success."

At the afternoon session of the congress, letters from President McKinley, Vice President Roosevelt and several other prominent government officials, all expressing regret at inability to attend the session of the congress.

Committees on credentials, permanent organization and order of business were adopted, after which Major Fred R.

Reed of Boise presented to President Prince a gavel, made of the wood of mountain mahogany of Owyhee county, with hands of silver from the Trade Dollar mine. The gavel, said Mr. Reed, was a present to President Prince from ex-Mayor James A. Pinney of Boise. President Prince responded in a fitting manner, evincing his appreciation of the gift. He said it was not too fine, no gavel, however interesting, or how ever much value, was too good for the mining congress.

## Papers Are Read.

Pending the reports of committees, some of the papers prepared for the congress were read. Ex-Lieutenant Governor Joseph H. Hutchinson, superintendent of the Trade Dollar mine at Silver City, read one entitled "In the Pavilion of the Setting Sun." Mr. Hutchinson spoke at some length, and in a most interesting manner. Among other things, he said:

"Remember that it is only fifty-eight years since Thomas Benton, who was our greatest friend in national councils, closed his speech in favor of the Linn bill, saying: 'It is a measure that would soon place 30,000,000 rifles beyond the Rocky mountains.'"

"A single state of this mighty domain has since then added to the wealth of this republic over \$2,000,000,000, one-half of which was in gold. It might be said that the stream of gold from the west saved this republic and made possible a united nation."

Professor S. W. McCalla, assistant geologist of Georgia, next read a paper upon the mineral resources of that state. Fred C. Semmcke of Iowa read a paper on "Mining as a Business. Compared with Commercial and Manufacturing Enterprises," and James Talmage of Utah one on "The Geology of Utah."

There is a lively rivalry between Los Angeles and Butte for the next session of the congress. Both are claiming they will win, but it is yet impossible to form an opinion as to the result. Joseph H. Hutchinson, ex-lieutenant governor of this state, is much talked of for president of the congress.

This evening the delegates were tendered a reception at the city hall by the governor, chamber of commerce and the Columbia club. A great throng poured through the building for two hours.

MANY ARE INJURED  
IN D. & R. G. WRECK

Denver, July 23.—The westbound Denver & Rio Grande passenger on the narrow gauge was wrecked this morning one mile west of Marshall Pass. One coach and a sleeper left the tracks and rolled down a steep embankment, injuring a number of persons. A wrecking train has gone up from Salida. A defective rail is supposed to be the cause of the accident. Nobody was killed. The injured are:

George H. Roeder of New York City, formerly of Denver; internally hurt. Gertrude Ora Hood, Denver, bruised. Dr. Rowan D. O'Connell, Denver, bruised. J. T. Barnett, O'Connell; chest and back hurt. A. B. Collins, Telluride; fractured collar bone. George H. Burroughs, O'Connell; scalp wound. C. F. Hill, Pueblo; scalp wound. Hazel Grove, Denver; one wound. Mrs. C. Austin, Denver; head bruised.

General Keister of Guthrie, Okla., bruised.

## Teachers Sail For Manila.

San Francisco, July 23.—The transport Thomas sailed this afternoon for Manila via Honolulu, with the 700 teachers who are going to accept positions in the schools of the Philippines.

LONE HIGHWAYMAN  
HOLDS UP A STAGE

Mendocino, Cal., July 23.—The stage American schooner Lottie Adelaide, from Philadelphia, in the harbor here, resided in the death of Captain Orr, ten members of the schooner's crew and four Swedish customs officials. Two of the Lottie Adelaide's crew were saved. The explosion set the schooner afire, and the blazing petroleum stove developed the vessel and those on board.

FIFTEEN DIE IN AN  
EXPLOSION ON A SHIP

Stockholm, Sweden, July 23.—An explosion today of petroleum on board the American schooner Lottie Adelaide, from Philadelphia, in the harbor here, resulted in the death of Captain Orr, ten members of the schooner's crew and four Swedish customs officials. Two of the Lottie Adelaide's crew were saved. The explosion set the schooner afire, and the blazing petroleum stove developed the vessel and those on board.

STARTLES THE  
MEDICAL WORLDDr. Koch's Discovery Regarding  
Bovine Tuberculosis.NOT TRANSMISSIBLE  
TO HUMAN SYSTEMInspection of Meat and Milk  
Not a Necessity.

London, July 23.—A feature of today's session of the British congress of tuberculosis was Dr. Robert Koch's paper, which was listened to with the deepest interest by the big gathering in St. James hall. Lord Lister introduced the noted German professor to the assembly with a few complimentary words.

During his address, Dr. Koch said his experiments had shown him that human tuberculosis and bovine tuberculosis were radically different diseases, and that he had amply demonstrated that cattle could not be infected with human tuberculosis. The counter proposition that human beings were not liable to infection from bovine tuberculosis was hard to prove, the doctor said, owing to the difficulty of experimenting upon human subjects, but, personally, he was satisfied such was the case, and he recited at length past mortem evidence supporting this view. Dr. Koch said if this point were conceded it remained to determine the chief source of contagion.

Continuing, he said that human immunity to bovine infection depended on the belief of infection through dairy products, and he considered this source of danger so slight as to be unworthy of precautionary measures.

## Heridity Not a Factor.

Heridity was also an unimportant factor in the transmission of tuberculosis, though the contrary had long been believed. Dr. Koch said the chief danger of contagion lay in the sputum of consumptive patients, and that a remedy was to be found in a law preventing the consumption from serving contagion about him. Several methods to this end were available, said the doctor, the surest of which is isolation in sanatoriums.

This, unfortunately, was impracticable, but he strongly urged the establishment of special consumptive hospitals and the obligatory notification of their residence and the dissemination of notification to the people concerning the true nature of consumption, to aid in avoiding and combating it.

Dr. Koch highly complimented Dr. Herman M. Biggs, pathologist and director of the bacteriological laboratory of the New York health department, upon the repressive measures concerning tuberculosis taken in New York where, he said, the mortality from tuberculosis had been reduced 35 per cent since 1886, and recommended the system organized by Dr. Biggs for New York to the study and imitation of all municipalities.

Dr. Koch closed his remarks by expressing his belief that the tuberculosis stamping out of tuberculosis was possible.

KOCH'S DISCOVERY  
SURPRISES DOCTORS.

New York, July 23.—Professor Koch of Berlin will announce, says a Herald dispatch from London, his discovery that bovine tuberculosis is not transmissible to the human system. The famous bacteriologist, in an interview, authorized the statement that he has demonstrated that meat and milk of tuberculosis infected cattle may be consumed with absolute impunity. Dr. Allen F. Haight of Chicago, the official bacteriologist of the American Medical association, said:

"If I had not heard Professor Koch quietly announce his discovery in private conversation, I would have seemed to me absolutely incredible. I can only say that Dr. Koch is too profound a thinker and has too much reputation at stake to promulgate such a proposition unless convinced of its soundness beyond the shadow of a doubt. If he is able to theoretically demonstrate his claims, the sanitary systems of the world will be shaken to the very roots. The world would be but faintly expresses what the discovery will precipitate."

English experts talked of the theory with mingled astonishment and contempt, and asserted that the German professor would encounter stubborn debate and learned disproof of "meat and milk" infection. Dr. Reynolds, health commissioner of Chicago, when informed of Professor Koch's theory, said:

"The discovery is certainly of the highest importance, especially as regards milk. As far as meat is concerned I never believed it contained elements of danger when cooked, and, therefore, the announcement has comparatively less significance for the civilized peoples of the world. As to milk taken in its natural state, it is a different proposition. While probably nobody is desirous of drinking the milk of tuberculosis cows, yet a great boon would be assured if it can be consumed with impunity. The discovery will also have a practical result in simplifying the work of milk inspection, although not altogether rendering this unnecessary."

MRS. MCKINLEY SUES  
FOR A NEVADA MINE

San Francisco, July 23.—A Bulletin special from Ely, Nev., says: Suit has been commenced in the United States court at Carson City by Mrs. Ida McKinley, wife of President McKinley, and Mrs. Mary B. Barber, against John Steele, William H. Evans and others, to recover possession of the Eljah mine, one of the patented claims of the Canton Mining company, on which is alleged that the defendants are operating, and also for \$10,000 damages, being the ore taken out and shipped by the defendants during the period of the occupancy of the mine. The papers were served on the local defendants on Monday last, and the parties are required to answer at Carson within forty days. Mr. Steele is the owner of the Macon City mine, adjoining the Eljah, and denies that he has at any time extracted ore from the patented claim, all his workings being well within his own line.

## Advance Price of Steel.

New York, July 23.—The brokers and jobbers in the sheet steel and galvanized iron trade in this city have advanced the price of steel 1 cent per pound today.